

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9

10 EAST END PROPERTIES, INC.,
11 Plaintiff,
12 v.
13 YOUNG ROK SONG, and Does 1 to
14 10, Inclusive,
15 Defendants.

No. CV 13-7694 UA (DUTYx)
ORDER SUMMARILY REMANDING
ACTION TO STATE COURT

16 The Court will remand this "Complaint for Unlawful Detainer," Case No.
17 13RO7018, to state court summarily because Defendant removed it improperly.

18 On October 17, 2013, Defendant Richard Song, having been sued in what appears
19 to be a routine unlawful detainer action in California state court, lodged a Notice of
20 Removal of that action to this Court and also presented an application to proceed *in forma*
21 *pauperis*.

22 The Court has denied the *in forma pauperis* application under separate cover
23 because the action, again, was not properly removed. To prevent the action from
24 remaining in jurisdictional limbo, the Court issues this Order to remand the action to
25 state court.

26 Simply stated, as the Court has previously determined, Plaintiff could not have
27 brought this action in federal court in the first place, in that Defendant does not
28 competently allege facts supplying either diversity or federal-question jurisdiction, and

1 therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah*
2 *Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed.2d 502 (2005). Even if
3 complete diversity of citizenship existed, the amount in controversy does not exceed the
4 diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the
5 contrary, the unlawful-detainer complaint recites that the amount in controversy does not
6 exceed \$10,000.

7 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*
8 28 U.S.C. §§ 1331, 1441(b).

9 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Los
10 Angeles Superior Court, Santa Monica Courthouse, 1725 Main Street, Santa Monica,
11 California 90401 for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c);
12 (2) that the Clerk send a certified copy of this Order to the state court; and (3) that the
13 Clerk serve copies of this Order on the parties.


14 IT IS SO ORDERED.

15
16 DATED: 10/31/13



GEORGE H. KING
Chief United States District Judge

17
18
19 Presented by:

20
21 
22 /S/ FREDERICK F. MUMM
23 FREDERICK F. MUMM
24 United States Magistrate Judge
25
26
27
28